

Notice of Allowability

Application No.

10/002,702

Examiner

Gary C. Vieaux

Applicant(s)

HOFFER ET AL.

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/7/2005.
2. ☒ The allowed claim(s) is/are 7-10 and 12-34 (renumbered as 1-26).
3. ☒ The drawings filed on 10/30/01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/7/2005
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


AUNG MOE
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

5 submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leslie Gehman on June 7, 2005.

The application has been amended as follows:

Claim 22 has been cancelled.

10

REASONS FOR ALLOWANCE

Amendment

The Amendment filed on February 15, 2005 has been received and made of
15 record. In response to the first office action, claims 1-6, 11 and 35 have been cancelled
and claims 7-10, 12-20, 22, and 24-34 have been amended.

Response to Amendments

Claims 26-29 were objected to based on a limitation involving insufficient
20 antecedent basis within each claim. Applicant's amendment of February 15, 2005 is
found to correct the antecedent issues, and therefore the objections to claims 26-29 are
hereby withdrawn.

Response to Arguments

Applicant's arguments with respect to currently amended claim 7, Remarks p. 9-11 have been fully considered and are persuasive. The objection of claim 7 has been withdrawn.

5 Applicant's arguments with respect to currently amended claim 18, Remarks p. 11-13 have been fully considered and are persuasive. The objection of claim 18 has been withdrawn.

10 Applicant's arguments with respect to currently amended claim 25, Remarks p. 8-9 have been fully considered and are persuasive. The objection of claim 25 has been withdrawn.

Applicant's arguments filed February 15, 2005 with respect to claim 22 have been fully considered but they are not persuasive. However, the Examiner-Initiated Interview of June 6, 2005, resulted in the cancellation of claim 22, and consequently placed the application in immediate condition for allowance.

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Allowable Subject Matter

Claims 7-10, 12-20 and 25-34 are allowed.

20 Regarding claim 7-10 and 12-17, the prior art is not found to teach or fairly suggest, in combination with the existing elements of the present claim as currently amended, or in combination with the claims from which dependence is derived, a first and second exposure occurring at a pre-selected phase of the frequency of illumination intensity variations.

Regarding claims 18-20, the prior art is not found to teach or fairly suggest, in combination with the existing elements of the present claim as currently amended, or in combination with the claims from which dependence is derived, a method of auto exposure which determines phase and frequency of periodic changes in illumination with a fast Fourier transform analysis of the measured light, and then synchronizes an exposure time with a phase angle associated with the frequency of the intensity variations in the scene.

Regarding claims 25-34, the prior art is not found to teach or fairly suggest, in combination with the existing elements of the present claim as currently amended, or in combination with the claims from which dependence is derived, where an exposure is centered at a crossover point in the intensity variations.

The Examiner also notes that claims 21, 23 and 24 were indicated allowable in the Office Action of November 17, 2004.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

- 5 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary C. Vieaux
Examiner
Art Unit 2612

10 Gcv2


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PRIMARY EXAMINER